

Message Text

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ACTION EUR-12

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C O N F I D E N T I A L BONN 05694

E.O. 11652: GDS
TAGS: PGIV, BQG
SUBJECT: LORENZ-DRENCKMANN TRIAL

REFS: (A) SURENA/WHITLOCK TELCON
(B) USBER 290
(C) 77 USBER 2006

1. AT A TRIPARTITE MEETING OF ALLIED BONN GROUP REPS ON MARCH 21, IT WAS AGREED (AT FRENCH REQUEST) TO ASK THE LEGAL ADVISERS IN BERLIN TO REVIEW THE QUESTION WHETHER ONE OF THE CHARGES IN THE INDICTMENT IN THE LORENZ KIDNAPPING CASE (THE COERCION OF FEDERAL AND LAND ORGANS) WAS BASED ON FRG LAW TAKEN OVER IN BERLIN AND WHETHER ITS INCLUSION MIGHT AFFECT ALLIED RIGHTS AND RESPONSIBILITIES. WE UNDERSTAND THAT THE LEGAL ADVISERS ARE CONSIDERING THE PROBLEM BUT HAVE NOT COMPLETED THEIR STUDY.

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2. AT ANOTHER TRIPARTITE MEETING MARCH 29, THE FRENCH REP (RICHARD) ASKED WHETHER WE MIGHT SUGGEST TO THE LEGAL ADVISERS THAT THEY SUGGEST TO PROSECUTOR OBERLE THAT THE CHARGE BE DROPPED. THE UK LEGAL ADVISER (EATON) SAID THAT THE CHARGE MIGHT BE OF CONSIDERABLE IMPORTANCE TO THE FRG AND THAT, IF WE WERE TO CONSIDER DOING SO, WE SHOULD DISCUSS THE QUESTION WITH THE

FRG IN THE BONN GROUP. THE US REP SAID THAT IF THE LAW HAD NOT BEEN TAKEN OVER IN BERLIN, OR IF THERE WERE OTHER LEGAL IMPEDIMENTS, THE ALLIES WOULD BE ON FIRM GROUND IF THEY HAD THE CHARGE DROPPED. HOWEVER, IF THERE WERE NO LEGAL PROBLEMS, THE ALLIES SHOULD BE CIRCUMSPECT ABOUT INTERFERING IN A JUDICIAL PROCEEDING FOR PURELY POLITICAL REASONS. ADMITTEDLY, IT WOULD BE BETTER, IF THE CHARGE WERE TO BE DROPPED, FOR THIS TO BE DONE BEFORE RECEIPT OF A SOVIET PROTEST SINCE TO DROP THE CHARGE LATER WOULD APPEAR TO BE AS A RESULT OF THE SOVIETS PROTEST, BUT THIS CONSIDERATION SHOULD NOT BE OVERRIDING.

3. EATON COMMENTED THAT IT WOULD BE EASIER TO DROP THE CHARGE BEFORE THE TRIAL BEGINS AND THE SUBJECT ATTRACTS GREATER PUBLIC ATTENTION THAN IT WOULD BE TO DROP IT LATER. THE DEFENSE ATTORNEYS HAVE ALREADY MENTIONED THIS COUNT IN PARTICULAR IN THEIR ARGUMENT THAT THE TRIAL IS AN EXERCISE OF FRG AUTHORITY IN BERLIN (REF. C). THE UK REP (EYERS) AGREED THAT THE ISSUE IS POLITICALLY HIGHLY SENSITIVE AND SAID ALLIED ACTION (OR INACTION) WOULD REQUIRE, IN HIS VIEW, APPROVAL OF CAPITALS. THE US REP SAID HE CONSIDERED THIS SELF-EVIDENT. IT WAS AGREED TO INFORM CAPITALS OF THE FOREGOING AND TO ASK THE MISSIONS IN BERLIN TO PROVIDE A STATUS REPORT ON THE SUBJECT.
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